

### **REMARKS**

Claims 1-26 have been examined with all of these claims rejected. Claims 27-40 have been added.

#### ***Claim Rejection - 35 USC 101***

Claim 25 has been rejected under 35 USC 101 because the claim is allegedly directed toward non-statutory subject matter. Applicant respectfully disagrees. Contrary to the Examiner's statements in the Office Action, the claimed "system" is tangibly embodied. "A receiver" and "means for" do constitute hardware elements. As discussed in paragraph 36 of the published version of the application, a "receiver" is "a terminal, for fixed wireless, W-LAN, cellular telephony, and personal base station applications." An example of a receiver is a cellular phone. Also, the "means for modifying" and "means for operating" are governed by 35 USC 112, sixth paragraph, which states that "An element in a claim for a combination may be expressed as a means for performing a specified function without the recital of structure ..., and such claim shall be construed to cover corresponding structure ... described in the specification and equivalents thereof." Therefore, the "means for modifying" and "means for operating" cover the corresponding structure described in the specification and equivalents thereof. Reconsideration and withdrawal of this rejection is respectfully requested.

#### ***Claim Rejections - 35 USC 103***

Claims 1-17 and 26 have been rejected under 35 USC 103(a) as being unpatentable over Prestifilippo et al. (US Patent No 5,446,889) in view of Kodosky. Claims 18-25 have been rejected under 35 USC 102(e) as being anticipated by Kodosky et al. (US Patent No 6,608,638). Applicant respectfully traverses these rejections for the reasons set forth below.

Amended claims 1-17 and 26 are directed to a method, in a wireless communication device having a processor, a computer readable memory, and at least one hardware resource coupled to each other, of operating the hardware resources. The method includes the steps of locating a first

address in the computer readable memory of the wireless communication device, the first address containing operating information associated with a first hardware resource, transmitting operating information associated with the first address to the first hardware resource, reading a pointer associated with the first address that locates a subsequent address for a subsequent hardware resource, and repeating steps a) through c) for a quantity of pointers respectively associated with multiple hardware resources, wherein the method is performed in real time while the communication device is operating.

Amended claims 18-25 are directed to a system and method, in a wireless communication device having a processor, a computer readable memory, and at least one hardware resource all coupled to each other, of generating a scheduler for managing the hardware resource. The method includes the steps of receiving at the wireless communication device, a quantity of hardware resources available in the wireless communication device, receiving operation information for the hardware resource, and generating a list in the memory for linking requests for using the hardware resource, wherein the method is performed in real time while the communication device is operating.

Kodosky describes a method for automatically generating hardware function from a graphical program (see col. 4, lines 18-26). This method can not be used in real time (i.e., when the system has already started running). Instead, the method is designed for generating and configuring hardware function before starting the system. The claimed invention, on the other hand, is designed for coordinating, via scheduling and allocation, a set of hardware resources in real time. Prestifilippo fails to make up for Kodosky's deficiencies. Thus, the claimed invention is not obvious from Kodosky and Prestifilippo due its support of real time operation.

#### *New Claims 27-40*

New claims 27-40 correspond with claims 1, 2, and 5-10 of copending application having U.S. Serial No. 10/750,531. More specifically, new claims 27, 28, 30, 31, 33-40 of the present application correspond with 1, 2, 8, 9, 13-20, respectively, of the copending application. Also, new

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New claim 27 is directed to a method for controlling hardware resources in a wireless communication device having a processor and a memory. The method includes the steps of locating a first memory address associated with a first hardware resource, transmitting control information associated with the first address to the first hardware resource to enable its utilization, and determining a pointer associated with the first address that locates another memory address for another hardware resource. New claim 28 is an apparatus claim that basically corresponds to claim 27.

Neither Prestifilippo nor Kodosky, alone or in combination, teaches or suggests a method of operating hardware resources in a wireless communication device, as required by the claimed invention. Prestifilippo is instead directed generally to a linked-list method, and Kodosky is directed generally to a computer-implemented system and method for generating a hardware implementation of graphical code. There appears to be no logical basis to combine these references in the context of operating resources of a wireless communication device. Thus, claims 27 and 28 are patentable over the applied references for at least these reasons.

Kodosky is directed to a computer-implemented system and method for generating a hardware implementation of graphical code. The method may operate to configure an instrument to perform measurement functions, wherein the instrument includes a programmable hardware element.

The Kodosky method includes first creating a graphical program, in which the graphical program may implement a measurement function. A portion of the graphical program may optionally be compiled into machine code for execution by a CPU, and another portion of the graphical program may be converted into a hardware implementation on a programmable hardware element. The programmable hardware element is configured utilizing a hardware description to produce a configured hardware element. In one embodiment, the graphical program manipulates one or more hardware resources of an instrument, and an indication of usage of the one or more hardware resources are displayed during creation of the graphical program.

Claim 35 is directed to a method of operating a system of a wireless communication device having a plurality of hardware resources. Claim 35 recites determining the quantity of hardware resources for the communication device, generating a list of how these resources are to be linked and receiving information of the desired quantity of resources to be operated in the device. This mitigates keeping unnecessary resources of the device active. Claim 36 depends from claim 35 and further recites that the list is for virtual resources. Claim 37, which depends from claim 35, is specific to the use of a primary table and a secondary table, the primary table used for tracking group allocation and the secondary table for mapping virtual uses. These features are clearly not disclosed or suggested in Kodosky.

Claim 38 basically is the hardware analog of claim 35. Claim 39 depends from claim 38 and further calls for the list to be of virtual resources available for a given function, while claim 40 depends from claim 38 and calls for the list, including a primary table and a secondary table, with the primary table for tracking a group allocation and the secondary table for mapping virtual uses. Kodosky does not teach or suggest the various features of claims 35-40, particularly those of the

dependent claims 36-40 for which Kodosky would seem to have no need. Therefore, claims 35-40 also should be allowable.

In view of the above, Applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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